

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EMIGRANT BANK AND PACIFIC  
MERCANTILE BANK,

Plaintiffs,

v.

SUNTRUST BANK; TRUIST BANK; AND  
DOES 1 THROUGH 10 INCLUSIVE,

Defendants.

Civil Action No. 1:20-cv-02391-PGG

**NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(i) and (c) of the Federal Rules of Civil Procedure, and consistent with the parties' joint letter dated November 2, 2023 (ECF No. 126), Defendant Truist Bank, successor by merger to Defendant SunTrust Bank (together, "Truist"), hereby gives notice of voluntary dismissal of Counterclaims III and IV of Truist's Amended Answer and Counterclaims (ECF No. 91). Such voluntary dismissal is proper under Rule 41(c)(1) because Plaintiffs have not filed an answer to Truist's Counterclaims.

Dated: November 8, 2023

Respectfully submitted,

/s/ Kenneth B. Fowler

Kenneth B. Fowler (admitted *pro hac vice*)

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